

NEW APPLICATION  
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2000 MAY 24 A 11:30

BEFORE THE ARIZONA CORPORATION  
COMMISSION

DOCKET NO. T-03882A-00-0356

Application of Enkido, Inc. for a  
Certificate of Public Convenience and  
Necessity to Offer Local Exchange,  
Access and Inter-Exchange Services.

Application No.  
\_\_\_\_\_

**APPLICATION OF ENKIDO, INC. FOR A CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY**

Nayel Shafei  
Enkido, Inc.  
401 Hackensack Ave, 5<sup>th</sup> Floor  
Hackensack, NJ 07601  
Voice: (201) 487-7979  
Fax: (201) 487-2865

May 2000

Pursuant to the State of Arizona's Title 14, Article 11 to authorize and encourage the Arizona Corporation Commission to facilitate entry to Arizona markets for telecommunications services providers, Enkido, Inc. hereby requests authority to provide local access services and to provide interexchange (intra-LATA and inter-LATA toll) services to business customers in the State of Arizona. Enkido, Inc. submits this application in order to be classified as both a Competitive Local Carrier and an Inter-exchange Carrier.

Enkido, Inc. is applying for the authority to conduct the following within the State of Arizona:

- (1) Lay its own fiber infrastructure with its own equipment.
- (2) Operate its fiber infrastructure with its own equipment.
- (3) Offer telecommunication services such as:
  - ☐ Bandwidth (sometimes referred to as "private line"),
  - ☐ Data Connectivity
    - Internet
    - Private IP (Internet Protocol)
    - Asynchronous Transfer Mode (ATM) and
    - Frame Relay
  - ☐ Video transmission between businesses (not targeting consumer).

Enkido will offer no switched voice services.

In support of its application, Enkido, Inc. submits the following information:

1. Name, address, telephone number of corporation:

Enkido, Inc.  
401 Hackensack Ave, 5<sup>th</sup> floor  
Hackensack, NJ 07601  
Phone: (201) 487-7979  
Fax: (201) 487-2865

2. Name, address, telephone number of sole proprietor:

Nayel Shafei, President & CEO  
401 Hackensack Avenue  
Hackensack, NJ 07601  
Phone: (201) 487-7979

3. A copy of the provider's articles of incorporation:

Enkido, Inc. Articles of Incorporation were filed and duly certified by the State of Delaware on June 8, 1999. Please see Attachment 1.

4. Proposed geographic service area:

Enkido, Inc. proposes to offer service throughout the entire state of Arizona, as illustrated in Attachment 2.

5. Technical capability to provide services:

Please see Attachment 3.

6. Description of facilities:

Please see Attachment 4.

7. A brief description of the type of service to be offered:

Enkido, Inc. seeks authority to resell Competitive Local Carriers' local exchange services and Interexchange Carriers' interexchange services to business customers throughout the District. Enkido, Inc. intends to resell local access, exchange service, and dedicated interexchange carrier services. Statewide resale authority will permit Enkido, Inc. to serve those customers in the state that it would be unable to serve by means of its own facilities based operations.

Enkido's services will consist of two categories of services:

A. Access and Private dedicated line services: Bandwidth connectivity in forms of SONET (Synchronous Optical Network) and DWDM (Dense Wavelength

Division Multiplexing) both in the local loop (within the metropolitan areas) and in the long haul (between cities).

B. Data transmission services using the following technologies: ATM, Routing, Ethernet, Fast Ethernet, and Gigabit Ethernet.

Service to end users will be accomplished by means of connection from Enkido's network to the end user's premises where such connections exist or can be timely and economically constructed, and through the resale of local exchange and interexchange services. Enkido, Inc. will interconnect with other certificated carriers.

8. Financial statements:

Enkido, Inc. is financially qualified to offer the telecommunication services requested. Since the company is newly formed, no financial statements have yet been prepared in the name of the applicant.

Documents we would be able to provide as alternatives include our bank statement, and /or a statement of projected revenues, and /or credit references. Attachment 5 is a true and correct copy of a statement from First Union National Bank that confirms a minimum of \$50,000.00 cash that is reasonably liquid and available.

Enkido, Inc. is not a publicly traded company. Accordingly, no proxy statements, 10-Ks or annual reports are available or have been provided.

The information provided demonstrates that Enkido, Inc. fully meets the financial qualifications set forth in the Interim Rules for Competitive Local Exchange Carriers.

9. Managerial and Technical Competence:

Enkido, Inc. has the managerial and technical qualifications necessary to provide the proposed services. The managerial staff possesses an extensive knowledge of network management and operations, design, and development of telecommunications infrastructure for major Interexchange Carriers.

Attachment 6 contains profiles of some of the officers and principals of Enkido, Inc. These profiles demonstrate that Enkido, Inc. possesses

significant management and technical expertise for operating a telecommunications corporation.

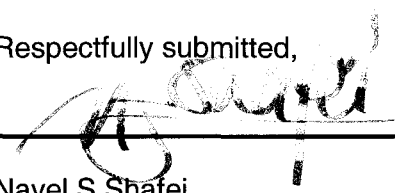
- Technical Experience:

As demonstrated by Attachment 7, Enkido, Inc. is currently supplying services to several prominent clients.

All material submitted within this application is confidential and proprietary. The use of the enclosed information is for the State of Arizona's use only in its determination to issue a CPCN and CLEC license to Enkido, Inc.

WHEREFORE, Enkido, Inc. respectfully requests that the Commission enter an Order granting this Application, thereby conferring on Enkido, Inc. authority to provide local exchange services, access services, and interexchange (intra-LATA and inter-LATA toll) services to business customers in the State of Arizona.

Respectfully submitted,



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Nayel S Shafei  
President & CEO  
Enkido, Inc.

Dated: May 22, 2000

**BEFORE THE ARIZONA CORPORATION  
COMMISSION**

Application of Enkido, Inc. as a  
Competitive Local Exchange Carrier  
To offer Local Exchange, Access and  
Interexchange Services.

**NOTICE OF AVAILABILITY APPLICATION**

Enkido, Inc., pursuant to the State of Arizona's Title 14, Article 11, submits this Notice of Availability of Application, in addition to the Application of Enkido, Inc. as a Competitive Local Exchange Carrier, and Attachments 1 to 9.

In the Application, Enkido, Inc. petitions the Arizona Corporation Commission for a Certificate of Public Convenience and Necessity and to provide services in the State of Arizona.

The application contains all the information necessary to meet the procedures developed by the Arizona Corporation Commission.

For copies of the application and the non-confidential attachments, requests should be made to:

Ali M. Aliabadi  
Director of Licensing  
Enkido, Inc.  
401 Hackensack Ave. 5<sup>th</sup> Floor  
Hackensack, NJ 07601  
Voice: (201) 487-3824  
Fax:(201) 487-2865

Respectfully submitted,



Nayel S. Shafei  
President & CEO  
Enkido, Inc.  
May 22, 2000

## **ATTACHMENTS**

1. ARTICLES OF INCORPORATION
2. MAP OF PROPOSED SERVICE AREA
3. TECHNICAL EXPERIENCE
4. DESCRIPTION OF SERVICES
5. BANK STATEMENT
6. PROFILES OF OFFICERS
7. CLIENTS

**ATTACHMENT 1**

**ARTICLES OF INCORPORATION**

State of Delaware  
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF  
DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT  
COPY OF THE CERTIFICATE OF INCORPORATION OF "ENKIDO, INC.",  
FILED IN THIS OFFICE ON THE EIGHTH DAY OF JUNE, A.D. 1999, AT 9  
O'CLOCK A.M.



*Edward J. Freel*  
Edward J. Freel, Secretary of State

3040693 8100

001172062

AUTHENTICATION:

0360498

DATE:

04-04-00

**CERTIFICATE OF INCORPORATION**

**OF**

**ENKIDO, INC.**

**ARTICLE ONE**

The name of the corporation is Enkido, Inc. (the "Corporation").

**ARTICLE TWO**

The address of the Corporation's registered office in the State of Delaware is 1013 Centre Road, Wilmington, County of New Castle, Delaware, 19805. The name of its registered agent at such address is Corporation Service Company.

**ARTICLE THREE**

The nature of the business or purposes to be conducted or promoted is to engage in any lawful act or activity for which corporations may be organized under the General Corporation Law of the State of Delaware.

**ARTICLE FOUR**

The Corporation is authorized to issue one class of stock to be designated as "Common Stock". The total number of shares which the Corporation is authorized to issue is 1,000,000 (one million ) shares. The Common Stock shall have a par value of One Cent (\$0.01) per share.

**ARTICLE FIVE**

The name and mailing address of the sole incorporator is as follows: John S. Lutz, c/o LeBoeuf, Lamb, Greene & MacRae, 633 Seventeenth Street, Suite 2000, Denver, Colorado 80202.

**ARTICLE SIX**

The powers of the incorporator are to terminate upon the filing of this Certificate of Incorporation. The name and mailing address of the persons who are to serve as the initial directors of the Corporation until the first annual meeting of stockholders of the Corporation, or until their respective successors are elected and qualified, are:

<u>Name</u>	<u>Address</u>
Nayel Shafei	2450 East Alameda, #4 Denver, Colorado 80209
Mona Sharaan	2450 East Alameda, #4 Denver, Colorado 80209

#### ARTICLE SEVEN

In furtherance and not in limitation of the powers conferred by the laws of the State of Delaware, the Board of Directors of the Corporation is expressly authorized to make, alter and repeal the bylaws of the Corporation.

#### ARTICLE EIGHT

Meetings of stockholders may be held within or without the State of Delaware, as the Bylaws of the Corporation may provide. The books of the Corporation may be kept outside the State of Delaware at such place or places as may be designated from time to time by the Board of Directors or in the Bylaws of the Corporation. Election of directors need not be by written ballot unless the Bylaws of the Corporation so provide.

#### ARTICLE NINE

The Corporation shall indemnify, to the fullest extent permitted by Section 145 of the General Corporation Law of Delaware, as amended from time to time, all persons who it may indemnify pursuant thereto. The personal liability of a director of the Corporation to the Corporation or its stockholders for monetary damages for breach of fiduciary duty as a director shall be limited to the fullest extent permitted by the General Corporation Law of the State of Delaware, as it now exists or may hereafter be amended. Any repeal or modification of this Article by the stockholders of the Corporation shall not adversely affect any right or protection of a director of the Corporation existing at the time of such repeal or modification.

#### ARTICLE TEN

The Corporation expressly elects not to be governed by Section 203 of the General Corporation Law of the State of Delaware.

#### ARTICLE ELEVEN

The Corporation reserves the right at any time, and from time to time, to amend, alter, change or repeal any provision contained in this Certificate of Incorporation, and other provisions authorized by the laws of the State of Delaware at the time in force may be added or inserted, in the manner now or hereafter prescribed by law; and all rights, preferences and privileges of

whatever nature conferred upon stockholders, directors or any other persons whomsoever by and pursuant to this Certificate of Incorporation in its present form or as hereafter amended are granted subject to the rights reserved in this Article.

\* \* \*

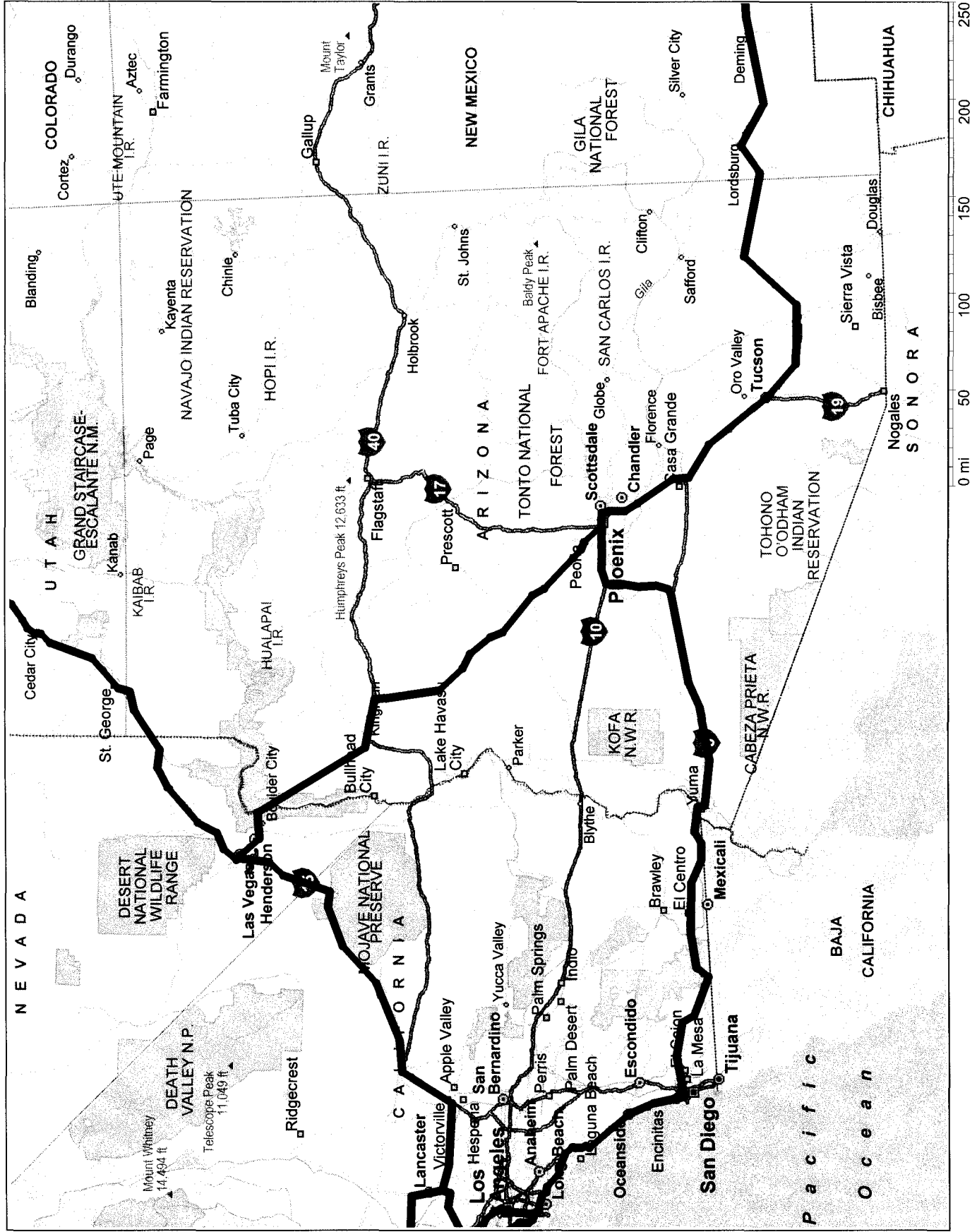
I, the undersigned, being the sole incorporator herein before named, for the purpose of forming a corporation pursuant to the General Corporation Law of the State of Delaware, do make this certificate hereby declaring and certifying that this is my act and deed, and that the facts stated herein are true, and accordingly have hereunto set my hand on the 8<sup>th</sup> day of June, 1999.

  
John S. Lutz  
Sole Incorporator

**ATTACHMENT 2**

MAP OF PROPOSED SERVICE AREA

# Enkido Fiber Backbone in Arizona



**ATTACHMENT 3**

**TECHNICAL EXPERIENCE**

## **ENKIDO, INC.**

### **Technical Experience**

Enkido is an international, non- dominant common carrier facilities-based US corporation. It is a privately held corporation incorporated in the state of Delaware.

Enkido is a multimedia communication company devoted to unleashing the broadband economy. It does so by deploying desirable broadband applications whose success depends on affordable end-to-end broad bandwidth. Enkido is offering applications ranging from OC-768 down to fractional T-1 (currently testing 1.5 Gbps HDTV-over-IP). Affordable end-to-end broad bandwidth is crucial for the success of broadband applications, but it does not yet exist. Enkido purchases and leases dark fiber for both long haul and local loop solutions in order to meet the increasing demand for broadband services. We are the only OC-768 (40 Gbps) carrier in the world today. Some of our customers includes: NBC, Disney, ABC, ESPN, Court TV, Time Warner, Deutsch Telecom, Nippon TV, France Telecom, Bear Stearns, Dept. of Defense, and NASA.

Enkido is set to handle the ensuing requirements for data, multimedia and voice transmission at the speed of light. 20,000 miles of fiber on Enkido's national fiber-optic backbone enables us to provide the necessary bandwidth to meet the growing demand of tomorrow's broad applications.

Our unique architecture allows us to light the fiber into bandwidth at one-tenth of the cost of traditional architecture, and operate it at half the existing Telcos' expenses.

Enkido completes the information highway with unique pricing, security and multi-modal access roads.

**ATTACHMENT 4**

DESCRIPTION OF SERVICES

**ENKIDO, INC.**  
**A Brief Description of Services**

Enkido, Inc. seeks to provide facility based and resold local exchange services and interexchange services (intraLATA and interLATA toll) to business customers throughout the state of Massachusetts. Facilities-Based and resale authority is sought for the entire state for interexchange services and for local exchange services.

Enkido, Inc. also seeks authority to resell Competitive Local Carriers' local exchange services and Interexchange Carriers' interexchange services to business customers throughout the state. Enkido, Inc. intends to resell local access, exchange service and dedicated interexchange carrier services. Statewide resale authority will permit Enkido, Inc. to serve those customers in the state that it would be unable to serve by means of its own facilities-based operations.

Enkido's services will consist of two categories of services:

A. Access and Private dedicated line services: Bandwidth connectivity in form of SONET (Synchronous Optical Network) and DWDM (Dense Wavelength Division Multiplexing) both in the local loop (within the metropolitan areas) and in the long haul (between cities).

B. Data transmission services using the following technologies: ATM, Routing, Ethernet, Fast Ethernet, and Gigabit Ethernet.

Service to end users will be accomplished by means of connection from Enkido, Inc. network to the end user's premises where such connections exist or can be timely and economically constructed, and through the resale of local exchange and interexchange services. Enkido, Inc. will interconnect with other certificated carriers.

**ATTACHMENT 5**

BANK STATEMENT



## Commercial Savings

01 3000007616669 751 160

0 0

76,833

ENKIDO, INC.  
401 HACKENSACK AVE 5TH FLOOR  
HACKENSACK NJ 07601

CB

## Commercial Savings

1/01/2000 thru 3/31/2000

Account number: 3000007616669  
Account holder(s): ENKIDO, INC.

Taxpayer ID Number: 223669393

### Account Summary

Opening balance 1/01	\$49,800.78
Interest paid	203.48 +
Closing balance 3/31	\$50,004.26

### Deposits and Other Credits

Date	Amount	Description
1/31	69.23	INTEREST FROM 01/01/2000 THROUGH 01/31/2000
2/29	64.84	INTEREST FROM 02/01/2000 THROUGH 02/29/2000
3/31	69.41	INTEREST FROM 03/01/2000 THROUGH 03/31/2000
<b>Total</b>	<b>\$203.48</b>	

### Interest

Number of days this statement period	91
Annual percentage yield earned	1.65%
Interest earned this statement period	\$203.48
Interest paid this statement period	\$203.48
Interest paid this year	\$203.48

### Daily Balance Summary

Dates	Amount	Dates	Amount	Dates	Amount
1/31	49,870.01	2/29	49,934.85	3/31	50,004.26

EFFECTIVE 5/1/00: NON-SUFFICIENT/UNCOLLECTED FUNDS PER ITEM WILL  
BE \$31.

## **ATTACHMENT 6**

### **OFFICERS' PROFILES**

**Nayel Shafei**  
**President & CEO**  
**201-487-7979**

Dr. Nayel Shafei is the Founder and CEO of Enkido, Inc., a high-bandwidth communication services company offering an end-to-end broadband network. As Enkido's founder, Dr. Shafei is one of the premier architects of the fiber optics industry. Prior to Enkido, Dr. Shafei was the Executive Vice President of Products for Qwest Communications International. His responsibilities included the development and management of all data transfer services to optimize the company's high capacity fiber optic network. Additionally, he managed future business and consumer products and services. Prior to joining Qwest, Dr. Shafei was Vice President/General Manager of Allied Signal Communications Systems. Dr. Shafei holds both a Ph.D. and M.S. in Computer Science from the School of Engineering at Massachusetts Institute of Technology and graduated summa cum laude from Cairo University. He serves as a board member of several companies including Softcom (currently in the process of being acquired by Intel) and Intellicon.

**Gamil Serag Eldin**  
**V.P. Infrastructure**  
**201- 487-2547**

Gamil Serag Eldin: VP of Infrastructure, is responsible for the building and development of the company's fiber optic network. He also manages future business and consumer services.

Mr. Serag Eldin is a Professor at the University of California, Berkeley, in the Engineering and Architecture School, focused in the areas of Computer Aided Design, Animation, Collaborative Design and Programming concepts. He is a specialist in the fields of Artificial intelligence, expert systems, and Management Information Systems.

He was President of software development in Architecture and Beyond and also served as system engineer of Multilingual Communication Co. (MCC).

Mr. Serag Eldin is a Ph.D. candidate at the University of California, Berkeley, and holds a Master of Science in Computer Aided Design from Carnegie-Mellon University. He received his Bachelor's degree from the Engineering School at Cairo University in Egypt.

**M. Ali Moussa**  
**V.P. E-Commerce**  
**408-777-7630**

M. Ali Moussa is Vice President in charge of Security and E-Commerce for Enkido, Inc.

Dr. Moussa has over twenty years of technical and management experience. As a co-founder of Quintet, he led business development and raised operating funds. He is a leader in the field of information and computer security products and he developed the architecture of authenticated and secured document exchange software for the Customs Office of the Treasury Department, and other agencies.

Dr. Moussa obtained his Master's degree from Alexandria University and his Ph.D. From Teesside University.

**Raj Reddy**  
**Advisory Board**  
**412-268-2598**

Dr. Raj Reddy is the Herbert A. Simon University Professor of Computer Science and Robotics in the School of Computer Science at Carnegie Mellon University. He began his academic career as an Assistant Professor at Stanford in 1966. He joined the Carnegie Mellon faculty as an Associate Professor of Computer Science in 1969, became a Full Professor in 1973, a University Professor in 1984, and was named as the Simon University Professor in 1992. He served as the founding Director of the Robotics Institute from 1979 to 1991 and as the Dean of the School of Computer Science at CMU from 1991 to 1999.

Dr. Reddy's research interests include the study of human-computer interaction and artificial intelligence. His current research projects include spoken language systems; invisible computing; gigabit networks; universal digital libraries; and distance learning on demand.

He is a member of the National Academy of Engineering and the American Arts and Sciences. He was president of the American Association for Artificial Intelligence from 1987 to 89. Dr. Reddy was awarded the Legion of Honor by President Mitterand of France in 1984 and was awarded the ACM Turing Award in 1994. He is a member and co-chair of the United States President's Information Technology Advisory Committee (PITAC).

## ATTACHMENT 7

### CLIENTS

Bank of America  
Department of Defense Advanced Research Projects Agency  
Deutsche Telekom  
Disney  
Intel  
L.A. Kings  
NASA  
NBC  
Oakland Coliseum  
Sun Microsystems  
Universal Studios